

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**ANDREW R. PERRONG,**  
**Plaintiff,**

**v.**

**CHOICE ENERGY, LLC, et al.,**  
**Defendants.**

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**Civ. No. 18-626**

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**SCHEDULING ORDER**

**AND NOW**, this 20th day of March, 2018, it is **ORDERED** as follows:

1. A trial for the above-captioned case shall be held on **August 21, 2018, at 9:30 a.m.** in Courtroom 14A, United States District Court, 601 Market Street, Philadelphia, PA 19106.
2. A final pretrial conference is scheduled for **August 16, 2018, at 10:00 a.m.** in Room 14614, United States District Court, 601 Market Street, Philadelphia, PA 19106. Lead Trial Counsel must attend. It is the responsibility of any trial counsel who cannot attend to contact my chambers as soon as any conflict becomes known so that I may consider rescheduling the conference. Unless I have otherwise granted permission, whoever attends the final pretrial conference will try the case. In addition to each trial counsel, each Plaintiff and Defendant or, in the case of a corporate Party, a representative with full authority to settle the case shall attend. Telephone availability is not acceptable unless leave of court has been granted. Failure to comply with this order may result in sanctions in accordance with the Federal Rules of Civil Procedure.

As outlined below, all motions *in limine*, evidentiary motions, stipulations of facts, all depositions that will be introduced as testimony, and any and all other legal disputes that the Parties are aware of shall be due before the final pretrial conference so that they may be resolved before trial begins.

3. The Parties shall propound all interrogatories and requests for document production no later than **March 30, 2018**. The Parties shall respond to all written discovery requests no later than **April 9, 2018**. **THESE RESPONSES SHALL INCLUDE ALL INITIAL**

DISCLOSURES CONTEMPLATED BY RULE 26(a)(1). All discovery shall proceed and continue in such manner as will assure that all requests for, and responses to, discovery will be noticed, served, and completed no later than **May 21, 2018**.

4. This matter is referred to United States Magistrate Judge Timothy R. Rice for a settlement conference on or about **May 23, 2018**. PLAINTIFF SHALL CONTACT DEFENDANT'S COUNSEL, AND THEN THE PARTIES SHALL JOINTLY CONTACT JUDGE RICE'S CHAMBERS TO ARRANGE THIS CONFERENCE. If the Parties believe that a settlement conference would be helpful at an earlier time, they are directed to contact Judge Rice to schedule the same. Judge Rice will require that lead counsel and Parties with full settlement authority attend the conference.
5. Any summary judgment motion or other dispositive motion, together with supporting brief, shall be filed on or before **June 4, 2018**. Responses shall be filed on or before **June 18, 2018**.
6. Plaintiff shall propose stipulated facts and submit those proposed stipulated facts to Defendant no later than **July 18, 2018**. Defendant shall state agreement or disagreement with each of Plaintiff's proposed stipulated facts and may counter-propose stipulated facts no later than **July 23, 2018**. Plaintiff is obligated to respond no later than **July 26, 2018**.
7. In accordance with Fed. R. Civ. P. 26(a)(3), listed exhibits shall be numbered and pre-marked for use at trial; no exhibit shall be listed unless it is already in the possession of opposing counsel. Only specifically listed exhibits may be used in the Party's case-in-chief except by leave of court.
8. Counsel for each Party shall serve upon counsel for the other Party no later than **July 26, 2018**:
  - a. a copy of each exhibit they expect to offer at trial in furtherance of their respective contentions. Each exhibit shall be marked as it will be marked for trial;
  - b. curriculum vitae for each expert witness expected to testify; and

- c. a specific identification of each discovery item expected to be offered into evidence.
9. Counsel shall also provide the Court with one copy of all of these items in a tabbed, three-ring binder, complete with table of contents, no later than **July 26, 2018**.
10. As to documents listed in accordance with Fed. R. Evid. 803(6), as amended, notice in accordance with Fed. R. Evid. 902 (11) or (12) must be given no later than **July 26, 2018**.
11. All witnesses as to liability and damages should be listed. Only listed witnesses may testify at trial except by leave of court. Any Party who intends to use deposition testimony at trial must submit deposition designations no later than **July 18, 2018**. Counter-designations shall be submitted no later than **July 23, 2018**. Objections to the designations shall be submitted no later than **July 26, 2018**.
12. Any other pretrial or trial matter requiring my attention prior to trial shall be specifically addressed in the final pretrial conference.
13. All Parties shall prepare and file with the Clerk of the Court their pretrial memoranda no later than **August 2, 2018**.
14. All motions *in limine* shall be filed no later than **August 2, 2018**. Responses thereto are due no later than **August 9, 2018**.
15. On or before **August 2, 2018**, after meeting and conferring, the Parties shall jointly submit proposed jury *voir dire* questions, jury interrogatories, verdict sheets, and proposed jury instructions a tabbed, three-ring binder, complete with table of contents. The Parties shall individually submit any proposed questions, interrogatories, sheets, or instructions upon which the Parties after conferring cannot agree. All questions, interrogatories, sheets, and instructions shall be submitted in hard copy and on a flash drive to the Court.
16. On or before **August 9, 2018**, the Parties shall jointly submit to the Court a tabbed, three-ring binder, complete with table of contents, containing each of the following:

- a. Answer;
- b. Complaint;
- c. Plaintiff's Pretrial Memorandum;
- d. Defendants' Pretrial Memorandum;
- e. Stipulated Facts;
- f. Jointly Proposed Jury *Voir Dire* Questions (and any not agreed upon);
- g. Jointly Proposed Jury Interrogatories (and any not agreed upon);
- h. Jointly Proposed Jury Instructions (and any not agreed upon); and
- i. Jointly Proposed Verdict Sheet.

17. The Parties shall also provide the Court with an electronic copy of the above documents in Word format.

**THE TERM "COUNSEL" AS USED IN THIS ORDER INCLUDES PLAINTIFF ANDREW R. PERRONG, WHO IS PROCEEDING *PRO SE*.**

**AND IT IS SO ORDERED.**

*/s/ Paul S. Diamond*

March 20, 2018

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Paul S. Diamond, J.